

Message Text

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ORIGIN ARA-10

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TO AMEMBASSY LA PAZ NIACT IMMEDIATE

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STADIS/////////////////////////////////
FOR AMBASSADOR FROM ACTING ASSISTANT SECRETARY LUERS

E.O. 11652: N/A

TAGS: CASC, BL

SUBJECT: AMERICAN PRISONERS IN BOLIVIA

1. YOU ARE REQUESTED TO PRESENT THE FOLLOWING VIEWS OF THE
US GOVERNMENT TO MINISTERS ADRIAZOLA AND PEREDA IN YOUR
MEETINGS WITH THEM NEXT WEEK. WE WILL PRESENT A SIMILAR
DEMARCHE TO AMBASSADOR CRESPO ON MONDAY, MARCH 7.

2. GENERAL CONSIDERATIONS: CONTINUING DENIAL OF JUSTICE
TO MOST OF THE THIRTY-FIVE US CITIZEN PRISONERS IMPRISONED
IN BOLIVIA IS A MAJOR CONCERN OF THE USG WITHIN THE CONTEXT
OF CURRENT US-BOLIVIAN RELATIONS. OUR PREOCCUPATION WITH
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THIS ISSUE IS A LONG-STANDING ONE. THE US GOVERNMENT
INITIALLY PLACED ITS HOPES FOR IMPROVEMENT OF THIS SITUATION
ON THE PROSPECT OF A REVISED NARCOTICS LAW, WHICH WOULD
LESSEN MANDATORY SENTENCES FOR ALL VIOLATORS. WHEN THIS
LAW APPEARED, AFTER A LENGTHY DELAY, IT REDUCED SENTENCES
FOR DRUG POSSESSION BUT DID NOT AFFECT PERSONS FACING
TRAFFICKING CHARGES; THE LAW IMPROVED UPON ITS PREDECESSOR

IN OTHER AREAS, SUCH AS PAROLE AND CREDIT FOR TIME SERVED WHILE AWAITING SENTENCING. IN JANUARY AND EARLY FEBRUARY, VARIOUS RESPONSIBLE OFFICIALS OF THE GOB ASSURED US THAT

ACTION WOULD BE TAKEN WITHIN SPECIFIC PERIODS OF TIME TO REVIEW PRISONER CASES WITH LIKELY RELEASE OF A NUMBER OF US CITIZEN PRISONERS. UNFORTUNATELY, THESE TIME PERIODS HAVE NOW GONE BY WITHOUT SIGNIFICANT CHANGE OR IMPROVEMENT OF THE SITUATION.

3. LENGTHY DELAY IN TRIALS: SOME US CITIZEN PRISONERS HAVE WAITED ALMOST THREE YEARS TO HAVE THEIR CASES RESOLVED BY BOLIVIAN JUSTICE, A PERIOD OF TIME WHICH APPEARS TO VIOLATE ELEMENTAL INTERNATIONAL STANDARDS OF JUSTICE. (FYI: THE DEPARTMENT WILL STUDY THIS QUESTION FURTHER, WITH A VIEW TO THE POSSIBLE PRESENTATION OF AN INTERNATIONAL CLAIM BY THE UNITED STATES AGAINST BOLIVIA. SUCH CLAIMS HAVE BEEN SUCCESSFULLY PROSECUTED IN THE PAST, IN MEXICO AND OTHER COUNTRIES.)

4. PRISONER HEALTH AND WELFARE: WE ARE ALSO CONCERNED BY THE GROWING NUMBER OF REPORTS OF INADEQUATE NUTRITION IN PRISONER DIETS, SERIOUS ILLNESSES WHICH FAIL TO RECEIVE PROMPT MEDICAL ATTENTION AND ADVERSE PSYCHOLOGICAL REACTIONS TO CONTINUED IMPRISONMENT. THE NEED TO PROVIDE MONTHLY PAYMENTS FOR FOOD, HEALTH CARE AND LAWYER FEES HAS SERIOUSLY AFFECTED A NUMBER OF PRISONER FAMILIES IN THE UNITED STATES, IN SOME CASES REDUCING INDIVIDUAL FAMILIES TO A STATE OF NEAR PENURY. IN SEVERAL INDIVIDUAL LIMITED OFFICIAL USE

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PRISONER CASES, PARTICULARLY AMONG MALE PRISONERS IN LA PAZ, WE ARE INFORMED THAT SEVERE PSYCHOLOGICAL DISABILITIES HAVE DEVELOPED, WHICH MAY REQUIRE PROMPT TREATMENT IN A PSYCHIATRIC CLINIC IN THE INTEREST OF FORESTALLING ANY MORE SERIOUS AND UNFORTUNATE EVENTS.

5. DRUG TRAFFIC: THE US GOVERNMENT REITERATES TO THE GOVERNMENT OF BOLIVIA ITS CONTINUING COMMITMENT TO THE ONGOING PROGRAMS OF COOPERATION IN DRUG CONTROL AND ENFORCEMENT ACTIVITIES. WE WISH TO SEE THE GOB, THROUGH THE INSTITUTION OF THE DNSP, PERSEVERE WITH THE STRUGGLE AGAINST DRUG TRAFFICKING OPERATIONS WITHIN BOLIVIA.

6. USG CONCERNS AND EXPECTATIONS: THE US GOVERNMENT IS EXTREMELY INTERESTED IN PROMPT RESOLUTION OF THE PRISONERS SITUATION. HIGH-LEVEL USG AUTHORITIES ARE PERSONALLY CONCERNED ABOUT THE PLIGHT OF US CITIZEN PRISONERS IN BOLIVIA. IN THESE CIRCUMSTANCES, AND GIVEN WIDESPREAD PUBLIC AND CONGRESSIONAL INTEREST IN THE ISSUE, OUR

HUMANITARIAN CONCERNS WILL INEVITABLY IMPACT ON ONGOING BILATERAL PROGRAMS. IN ADDITION, SOME PROMISING NEW INITIATIVES IN US-BOLIVIAN RELATIONS MAY HAVE TO BE DELAYED UNTIL SATISFACTORY RESOLUTION OF THE PRISONERS SITUATION IS ACHIEVED. (FYI: YOU MAY, IF APPROPRIATE, IN THE ONGOING CONTEXT OF THE CONVERSATION, INFORM THE FOREIGN MINISTER THAT WE LOOK WITH SYMPATHY UPON THE GOB'S RECENT REQUEST FOR A POSSIBLE RETURN OF THE PEACE CORPS TO BOLIVIA IN SOME FORM, BUT WOULD FIND IT VERY DIFFICULT IF NOT IMPOSSIBLE TO CONTEMPLATE IMMEDIATE STEPS IN THIS DIRECTION WHILE OUR OVER-RIDING POLITICAL CONCERN WITH THE PRISONERS' WELL-BEING REMAINS UNANSWERED. END FYI) THE US HOPES THAT THE GOB WILL NOW TAKE AS PROMPT ACTION AS POSSIBLE TOWARD RELEASE OF PRISONERS WHO FALL INTO THE FOLLOWING CATEGORIES: (1) INDIVIDUALS AGAINST WHOM EVIDENCE IS INADEQUATE FOR A FINDING OF GUILT; LIMITED OFFICIAL USE

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(2) INDIVIDUALS WHO HAVE SERVED TIME COMMENSURATE WITH THE MINIMUM MANDATORY SENTENCE FOR THEIR ALLEGED CRIME, I.E. POSSESSION CASES; (3) INDIVIDUALS IN A DELICATE STATE OF PHYSICAL OR MENTAL HEALTH WHO REQUIRE IMMEDIATE TREATMENT. SIMULTANEOUSLY, WE URGE THAT THE REMAINING PRISONERS RECEIVE PROMPT TRIALS AND DECISIONS IN THEIR CASES, UNDER THE NEW BOLIVIAN NARCOTICS LAW.

7. IN CONCLUDING, PLEASE MAKE CLEAR TO THE MINISTERS THAT THE USG DOES INDEED VALUE HIGHLY ITS GOOD RELATIONS WITH BOLIVIA, REGRETS THE EXISTENCE OF THE PRISONER ISSUE AS A COMPLICATING FACTOR IN THOSE GOOD RELATIONS, AND BELIEVES THAT THE EARLIEST POSSIBLE RESOLUTION OF THIS PROBLEM WILL CLEARLY BE IN THE INTEREST OF BOTH OUR NATIONS.

CHRISTOPHER

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